



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 07/27/04

AGENDA ITEM 4

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Zone Change Application No. PL-2004-0246 - Request to Change the Zoning to Planned Development District to Construct and Operate a Group Home Complex - Gary R. Hansen (Applicant)/ Walpert Association For The Retarded (Owner) - The Project is Located at 1101 Walpert Street.

**RECOMMENDATION:**

It is recommended that the City Council introduce the attached ordinance and adopt the attached resolution approving the Negative Declaration, Negative Declaration Addendum, the Zone Change, and Preliminary Development Plan, subject to the attached conditions of approval.

**DISCUSSION:**

The property is located in the Medium Density Residential (RM) District, which allows one group home per parcel. There is no provision within the RM District for the proposed complex for five group homes intended to serve developmentally disabled adults; consequently, the applicant is seeking a zone change to Planned Development to provide the land use vehicle for the project. At its meeting of July 8, 2004, the Planning Commission recommended approval (6:0) of the environmental documents and the project. A Negative Declaration was prepared for the applicant's initial proposal for manufactured housing on the site, and an addendum to that document was prepared when the project was redesigned to incorporate conventional, site-built dwellings.

Emerald Glen, a non-profit organization and with a board comprised of family members of its clients and interested community volunteers, would oversee the operation of the group homes. The property owner, Walpert Association of the Retarded, intends to create a separate 2.5-acre parcel for the group homes by reconfiguring the lot lines. Ownership of the parcel containing the group home complex would be transferred from the Walpert Association to Emerald Glen.

The group home complex is designed to accommodate up to 45 developmentally disabled adults who would attend programs at the Walpert Center and other facilities in the community. Walpert Center is an educational facility that offers a work activities program, recreational opportunities and learning opportunities to the developmentally disabled. The project is proposed to be multi-phased based on available funding. Phase 1 would include the grading of 5 pads, landscaping, and construction of the roadway, 14 uncovered parking spaces, a 2,700-square-foot common area, a 500-square-foot maintenance shed, and 2 group homes. The three additional units would be built in three additional phases to be completed by 2011.

Each home is designed to accommodate up to nine residents. Recognizing that the group home population will continue to age, the applicant chose the single-story design to accommodate wheelchair bound residents or those who develop impairments. Each home is approximately 3,410 square feet in area, with 6 bedrooms. The indoor common areas include a full kitchen, a dining area and a great room. Adjacent to the covered front porch is a patio dining area accessible from the indoor dining area. An office would be staffed on a 24-hour basis.

The attractive bungalow design includes composition shingled gable and hip roofs accented with purlins at the roof ends. All windows and doors are trimmed with wide wood frames. The main entry is highlighted by a large sitting porch covered by a gable roof and supported by large wood, tapered porch posts. Although each building cannot be sited to fully take advantage of the view of Ward Creek, the large windows in the great rooms maximize views.

In addition to the improvements required for the group home complex site, staff recommends improvements to the Walpert Center street frontage (agreement to install curb, gutter and sidewalk at a later date) and parking lot improvements (paving, landscaping and removal of visible outdoor storage). The justification for this recommendation is: the proposed group home complex operates functionally and programmatically with the Walpert Center, all the property is currently under the ownership of the Walpert Center, cross easements for vehicle access and parking will be in place, and landscaping that was required as a condition of the use permit for the Walpert Center does not meet current landscape standards and is either missing or suffering from deferred maintenance.

The applicant indicated that if they are required to make all the recommended landscape and parking lot improvements at this time, an undue financial burden would be placed on the project which may result in building fewer group homes. They also indicate they do not want to place a financial burden on the Walpert Center, which is providing the land without charge for the group home complex and whose resources are limited. In addition, the applicant points out that the group home complex will be on an entirely separate property from the Walpert Center so that there will be no common interest between the two parties (see letter from applicant's representative, Exhibit E).

The Planning Commission was explicit that landscaping along Walpert Street is necessary during the first phase of construction due to the poor condition of the existing landscaping and lack of adequate property maintenance. They also recommended that all landscaping on the group home site also be planted in Phase 1, to which the applicant is agreeable. Recognizing the financial impact on Emerald Glen, the Planning Commission recommended that condition of approval to allow the remaining Walpert Center landscape improvements (primarily within the parking lot) to be completed with the construction of the remaining phases of the project. Staff was directed to recommend a schedule for phasing of the landscape improvements on the Walpert Center property. Accordingly, staff recommends that the improvements be completed in Phase 2 (commensurate with construction of Unit 3).

Other than those directly associated with the development of the group home complex, no members of the public appeared to speak on the matter. However, a petition signed by neighboring residents in support of the project was presented.


Subsequent to the Planning Commission hearing, the applicant requested to be relieved from payment of Park-Dedication In-Lieu Fees. The ordinance allows an exemption from the fee requirements when the project involves rental housing owned by a private non-profit corporation with affordable rents for at least 30 years to low-income households. The developer of the rental housing must enter into a regulatory agreement with the City to be approved by City Council, which guarantees the term of affordability. Staff recommends adding a condition of approval requiring implementation of the agreement before issuance of a building permit.

The Housing Element of the General Plan recognizes special housing needs of developmentally disabled individuals, and this project fulfills this need. Because of this, the Planning Commission and staff are supportive of the project. At the Planning Commission hearing, individuals spoke in support of the project, and no one spoke in opposition to the project.


Prepared by:

  
Arlynnne J. Camire, AICP  
Associate Planner

Recommended by:

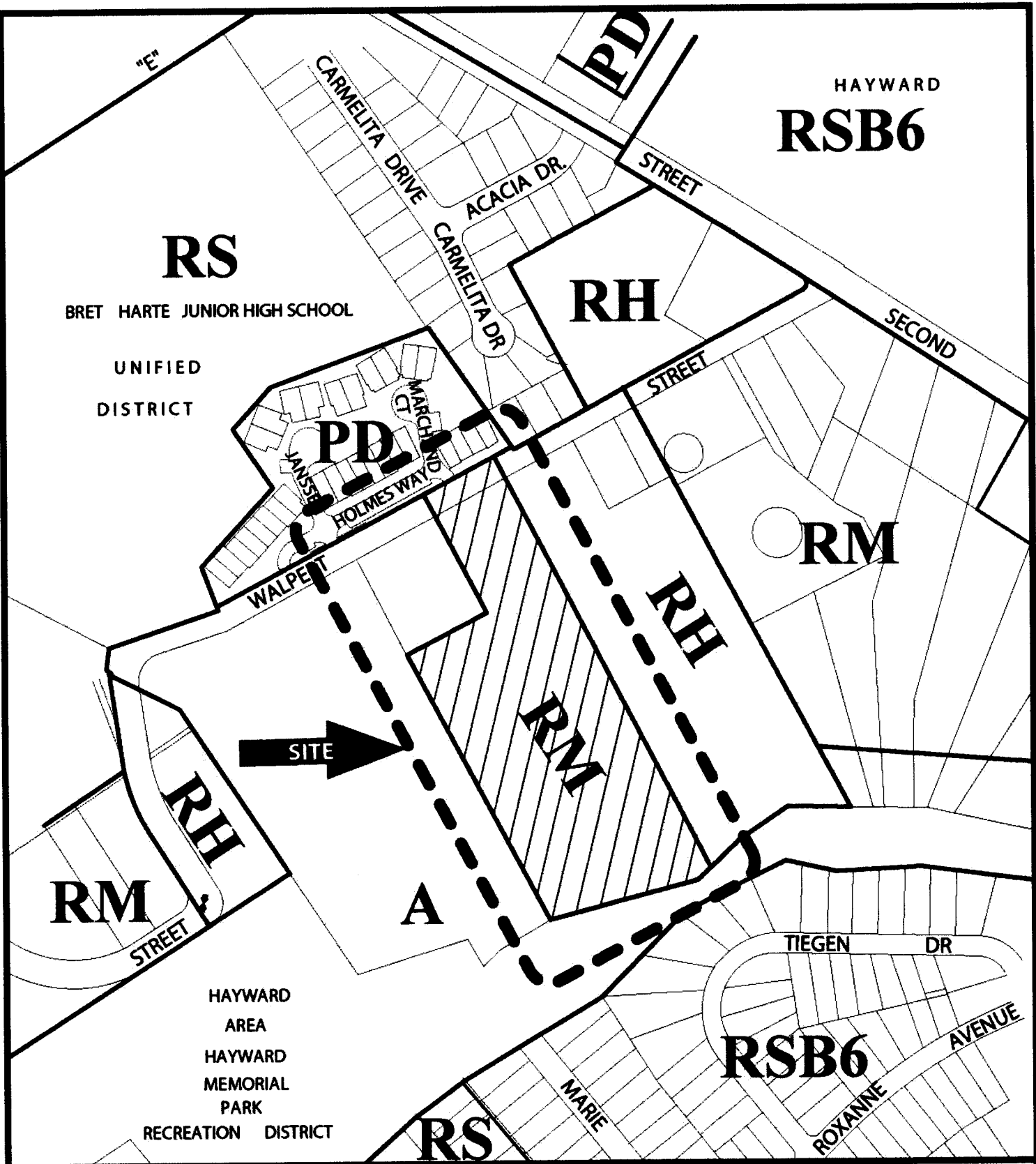
  
Sylvia Ehrental  
Director of Community and Economic Development

Approved by:

  
Jesús Armas, City Manager

Attachments:	Exhibit A.	Area Map
	Exhibit B.	Findings for Approval
	Exhibit C.	Conditions of Approval
	Exhibit D.	Planning Commission Staff Report and Minutes, dated July 8, 2004
	Exhibit E.	Letter from Applicant's Representative dated July 20, 2004
		Plans
		Draft Ordinance
		Draft Resolution

7/21/04



**Area & Zoning Map**

PL-2004-0246 ZC

Address: 1101 Walpert Street

Applicant: Gary Hansen

Owner: Walpert Association for the Retarded

A-Agricultural-AB5A, AB10A, AB100A, AB160A

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential, RSB4, RSB6



## **EXHIBIT B**

### **FINDINGS FOR APPROVAL**

**Planned Development Application No. PL-2004-0246**

**Gary R. Hansen (Applicant)**

**Walpert Association for the Retarded (Owner)**

**1101 Walpert Street**

1. A Negative Declaration and addendum were prepared in accordance with the California Environmental Quality Act (CEQA) guidelines, which determined that the project could not have a significant effect on the environment.
2. The group home facility is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that the complex would meet the special housing needs of older developmentally disabled individuals as specified in the Housing Element of the General Plan. In addition, it is consistent with the General Plan policy of infill development that encourages development that is designed to provide direct pedestrian connections between housing and supportive activities. Furthermore, a policy of the Mission-Foothills Neighborhood plan calls for new development to be set back from Ward Creek to maintain the wooded areas and conform to the Alameda County Watercourse Ordinance. The project would be set back 20 feet from the top of the riverbank to assure compliance and to keep the developed portion of the property away from hazards.
3. As conditioned, the streets and utilities are adequate to serve the development. The conditions of approval require infrastructure upgrades to the public right of way and desirable for the public convenience or welfare in that residents will be located within walking distance from programs they attend at the Walpert Center for the Developmentally Disabled.
4. The group home complex would create a residential environment of sustained desirability and stability in that the residents would participate at work programs and recreational activities at the adjacent Walpert Center. In addition, on site recreational amenities would be provided in the common area. The group home facility will not impair the character and integrity of the adjacent residential and agricultural zoning districts in that the use will generate very few vehicle trips per day.
5. The four development phases would provide a the entire common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule. All landscaping, house foundations, the common area, infrastructure and roads would be completed as part of Phase 1.
6. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards in that garages would not be provided however, 14 uncovered parking spaces and 19 shared parking spaces would be provided, which exceeds that required parking for a development of this size and type.

**CONDITIONS OF APPROVAL**

**Planned Development Application No. PL-2004-0246**

**Gary R. Hansen (Applicant)**

**Walpert Association for the Retarded( Owner)**

**1101 Walpert Street**

***As Revised and Approved by the Planning Commission on July 8, 2004***

1. Planned Development Application No. PL-2004-0246 to allow the construction and operation of a group home facility is subject to these conditions of approval and the plans, labeled Exhibit "A." Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director
2. This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to City Council approval. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted in sufficient detail for approval, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the ultimate configuration of the driveways and other public improvements.
4. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
6. A building permit application shall be submitted for the fifth house no later than July 2011. If a building permit is issued for construction of improvements authorized by the planned development approval, the planned development approval shall be void two years after issuance of the building permit for Units 1 and 2, or three years after approval of the planned development has been substantially completed or substantial sums have been expended in reliance upon the planned development approval.

7. A lot line adjustment application shall be submitted prior to the issuance of a building permit and is required to be finalized prior to the issuance of the Certificate of Occupancy of the houses in Phase 1.
8. Prior to application for a Building Permit the following changes shall be made to the plans:
  - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - b. All fencing shall be indicated on the building permit application plan. Fencing shall be not visually interrupt natural open areas and views. Where fencing is needed to delineate private property, open or unobtrusive decorative fencing shall be installed.
  - c. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees within 50 feet of construction shall be fenced at the drip line throughout the construction period.
  - d. An accent material shall be added to exterior base of the walls of each house. The material shall extend from the bottom of the exterior wall up to the bottom of each windowsill and capped with a trim band to satisfaction of the Planning Director.
  - e. The maintenance building shall include a base material and trim band to match the design of the houses.
  - f. Trash enclosures shall consist of wood fencing. Elevations shall be included in revised plans for the review and approval of the Planning Director.
  - g. Decorative electroliers shall be provided in the parking areas. The design shall be approved by the Planning Director prior to the issuance of a building permit.
  - h. Decorative light fixtures shall be provided on the buildings to assure illumination of entries and adjacent walkways.
9. Visible outdoor storage is not permitted at the group home complex or at the Walpert Center. All outdoor storage shall be screened or restricted to trash enclosures. Existing visible outdoor storage shall be removed.

## **Landscape**

10. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*. All existing trees are to be shown on the revised plans. Landscape shall extend down the parcel stem to Walpert Street. The development, including the landscape plans, shall meet the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines. The landscape plans should reflect California natives with fire, deer, and drought resistance. Except for the areas directly adjacent to the housing, the landscape plan shall incorporate native plants that shall blend with the natural plant material.
11. Groundcover is required to extend under all of the taller shrub areas and in the gaps between the shorter shrubs. Groundcover may be one-gallon in size or from flats. Spacing shall be based on 100% coverage within two years. This will vary based on the

plant material proposed. Use herbaceous rather than woody groundcovers in small areas and adjacent to pedestrian areas. Groundcover is to be approved and shall be to the satisfaction of the City Landscape Architect.

12. The Asiatic variety of Star Jasmine is required to be planted as ground cover adjacent to the driveway and the common area. Cotoneaster and Pyracanthus are not allowed to be used as landscape material. Herbaceous types of groundcovers are required to be planted throughout the site to the satisfaction of the City Landscape Architect.
13. Decomposed Granite, proposed for paths on the east side of the private driveway, shall not be used on paths that are steeper than 2 percent.
14. Landscape planters shall have a minimum 5-foot interior clear width.
15. Within the area of the homes, landscaping shall be planted at each end of each row of parking and in the interior landscape islands.
16. Five street trees are required in the area of the homes. These trees are required to be 24-inch box size. All shrubs are required to be 5-gallon size. Vines are required on walls, fences, trash enclosures, retaining walls, and building walls that have no windows.
17. The existing Walpert Center parking lot, the portion of the parking lot that includes the 19 shared parking spaces which will result from the lot line adjustment, and the proposed group home parking shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells, landscape medians, parking stall endcaps, or islands located within the parking area. Each parking row shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5 feet wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30-inch high hedge within two years. This measurement shall be from the top of curb. The installation of the landscaping on the Emerald Glen site shall be completed in Phase 1, with the construction of Units 1 and 2. All landscape improvements to the Walpert Street frontage shall be completed in Phase 1. The remaining landscape improvements at the Walpert Center, including irrigation, shall be completed in correspondence with Phase 2. .
18. One 24-inch box street tree is required for every 20-40 lineal feet of frontage on Walpert Street. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Including, a the replacement of a street tree on the frontage along Walpert Street
19. Trees shall be planted according to the City Standard Detail SD-122.
20. A landscape buffer including shrubs and one 15-gallon evergreen tree for every 20 lineal feet of property line shall be planted between this property and adjacent properties.



21. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.
22. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
23. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
24. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect. The Arborist's report, dated August 25, 2003, shall be revised to state that all oaks that can be preserved shall be preserved to the satisfaction of the City Landscape Architect. Young oak trees, which cannot remain in place, shall be relocated if possible.
25. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.
26. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
27. Landscape plans shall specify site amenities such as, benches, tables, fencing, and barbecues, for the common open space areas.
28. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.

#### **Fire Prevention**

29. All structures are required to have automatic fire sprinkler systems installed per NFPA 13-D (Modified) Standards. Fire sprinkler protection shall be provided within all living

spaces, garages, attics, crawl spaces and within any other area deemed necessary by the Hayward Fire Department.

30. A manual and automatic fire alarm systems shall be required for each structure which shall include smoke detectors that are hard-wired electrically with battery back up and interconnected to the fire alarm control panel. Manual pull station(s) and audible/visual evacuation devices shall also be installed within each structure as required per NFPA 72 Standards and ADA requirements.
31. The proposed driveway shall remain at 25 feet in width (no less than 20 feet) and shall be a dedicated fire lane with no vehicle parking on either side of the street. "No Parking Fire Lane" signs shall be installed and spaced at 150 feet intervals. Vehicle parking is only allowed where the parking stalls have been identified on the approved site plan-"Exhibit A."
32. Two fire truck turnaround areas shall meet design and construction criteria per Hayward Fire Department Standards.
33. Road grades shall not be in excess of 15 percent unless a review and approval has been granted by the Fire Marshal.
34. Access shall be available to allow 4-wheel drive patrol vehicle to access the Ward Creek area behind the proposed development. An EVA or similar approval is required. Locations of such EVAs shall be reviewed and approved by the Hayward Fire Department.
35. Fire hydrants are required. Modified streamer fire hydrants shall be installed for the proposed development to the satisfaction of the Hayward Fire Department. Fire flows shall be a minimum of 1,500 GPM at 20 PSI.
36. Building construction shall meet the City of Hayward's Hillside Design Guidelines for Urban/Wildland Interface, which shall include Class A roofing materials, exterior non-combustible siding materials, double-paned windows, boxed-in eaves, etc (as required by the Hillside Design Guidelines for Building Construction and Fire Protection).
37. If commercial kitchens are being proposed, additional fire protection systems will be required for hood and duct protection within the exhaust system.
38. Central station supervision may be required for all fire protection systems.
39. Exiting shall meet the CBC, Chapter 10. Where non-ambulatory clients reside, direct exiting shall be available from the room or shall be in compliance with the State Building Code (for R2 occupancies.)

40. Exit plans shall be posted within each care home. The exiting plan and the area(s) the plans are to be posted are to be approved by the Fire Department prior to the issuance of a building permit.
41. Portable fire extinguishers shall be installed in locations of each care home as approved by the Hayward Fire Department.
42. Prior to the issuance of the Certificate of Occupancy, State Form 850 shall be completed and submitted to the Hayward Fire Department for each care home.
43. An annual permit shall be obtained for each proposed care home.
44. Building address numbers shall be issued prior to building permit submittal. Address numbers shall be self-illuminating, having a minimum 4-inch number heights

#### **Construction Activities**

45. The developer shall provide the Planning Director with the name and telephone number of the developer or the developer's representative who may be contacted during the construction phase regarding neighborhood complaints or concerns.

#### **Public Works – Utilities**

46. Show on plans, the gallon per minute water demand so that the proper size meter can be determined.
47. Prior to Granting Occupancy, water services shall be installed for each house by city crews at applicant's expense. The application for water services shall be presented to the city inspector.
48. Dead end public water mains will not be allowed. They create future water quality problems. Public water mains must be connected to other public water mains via easements. This proposed development will need two points of connection to the existing water mains. If a looped public system is not installed, then the water meters shall be located behind the curb and gutter on Walpert Street as per City Standard Detail SD-218.
49. Water meters and services to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code. Show proposed locations on plans. Driveway cuts shall be staked before service laterals are installed.
50. Ductile Iron Pipe is required in all easements. Control valves are required in street prior to easements.
51. Development to be served by Remote Radio Read water meters.

52. Show following notations on plans:

- a. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
- b. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- c. Water and Sewer service available subject to standard conditions and fees in effect at time of application.

### **Public Works - Engineering**

53. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building permits. The general contractor and all subcontractors and suppliers of material and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.
54. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify BMP's appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff facilities. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion & Sediment Control Handbook.
55. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and ensure that measures are implemented. Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations or a project stop work order.
56. Construction equipment shall be properly muffled, and unnecessary idling shall be prohibited.
57. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential units.
58. All on-site storm drain inlets must be labeled "No Dumping - Drains to Bay," or equivalent, using methods approved by the City.
59. Prior to the commencement of any clearing or grading of the site, the developer shall submit evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control Board.

60. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available at Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
61. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
62. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after construction, shall be submitted for review and approval of the City Engineer.
63. Construct storm water inlet in the entrance of the proposed project. The project storm drain system shall be extended to the entrance of the proposed project.
64. Construct a swale to intercept the surface runoff from the north property line.
65. The Developer's Engineer shall provide hydraulic calculation for review and approval by Alameda County Flood Control and Water Conservation District.
66. Show on pipe sizes, lengths, slopes, inverts, and grate elevations of the storm drainage system on revised plans. In addition, show the locations of the existing sanitary sewer laterals that would serve all buildings.
67. The proposed sanitary sewer main shall be private and maintained by the property owner. Install sanitary sewer manhole 20 feet upstream of the existing sanitary sewer manhole.
68. Dedicate 8 feet of additional right-of-way along the property frontage on Walpert Street to obtain the ultimate right-of-way.
69. The developer will enter into a deferred street improvement agreement for the portion of Walpert Street from the east property line to west of the driveway. Walpert Street shall be improved with curb, gutter, and four feet wide sidewalk and tie-in pavement. The back of sidewalk shall be at the right-of-way line.
70. The minimum separation between the proposed water main and the sanitary sewer main shall be 10 feet.
71. The private driveway shall have curb and gutter to the satisfaction of the City Engineer.
72. Storm drain shall be private and shall be maintained by the property owner.
73. Prior to the issuance of a Building Permit, a preliminary soils report must be submitted for review and approval by the City Engineer.

74. Submit revised site and grading and drainage plans prepared by a licensed civil engineer. The plans shall include both sides of Walpert Street, all sidewalks, curbs and gutters, driveways in the vicinity of the project and note the distances to Second Street and Walpert Street curve to the south in feet.
75. The applicant shall be responsible for graffiti-free maintenance of the group home facility and the site of Walpert Center, and shall remove any graffiti within seven days of occurrence.
76. Outdoor storage is not permitted at the group home facility or Walpert Center. All trash receptacles and dumpsters are required to be located in a trash enclosure or screened.
77. The pavement shall be repaired or replaced as needed and the parking area shall be restriped to the satisfaction of the City Engineer. All parking stalls shall meet minimum City Standards. A revised parking plan shall be submitted prior to the application for building permit.

#### **Solid Waste and Recycling**

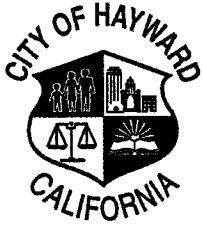
78. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated October 9, 2003. Requirements are to be met to the satisfaction of the City Solid Waste Manager.
79. All construction and demolition debris waste shall be recycled. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the completion of the project.

#### **Building Division**

80. Request in writing, addressing for each building. The request shall be to the attention of Larry Hulse, Supervising Building Inspector, City of Hayward Building Inspections.
81. Separate permit submittals will be required for each residence, retaining wall, sign(s), and maintenance building.
82. Submit all documents, plans, and details for each structure to confirm minimum code requirements.
83. An encroachment permit is required to be issued prior to the commencement of work in the public right-of-way.

#### **Revocation**

84. Violation of these conditions or requirements may result in revocation of the Planned Development.



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 07/08/04Agenda Item 1

**TO:** PLANNING COMMISSION

**FROM:** Arlynn J. Camire, AICP

**SUBJECT:** Zone Change Application No. PL-2004-0246 - Gary R. Hansen (Applicant)/ Walpert Association For The Retarded (Owner) - Request to Change the Zoning from Medium-Density Residential to Planned Development District to Construct and Operate a Group Home Complex

The Site Is Located at 1101 Walpert Street in the Medium-Density Residential (RM) District

### RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the Negative Declaration, addendum to the Negative Declaration, zone change to Planned Development (PD) District, and Preliminary Development Plan, subject to the findings and conditions of approval.

### DISCUSSION

The 2.5-acre vacant parcel is located to the rear of Walpert Center on the south side of Walpert Street, west of Second Street. The neighborhood is developed primarily with multi-family residences. The Pines, a 32-unit townhouse project, is located on the north side of Walpert Street in a *Planned Development District*. Walnut Hills Apartments, with 133 units, is located to the east in the *High-Density Residential District*. Hayward Memorial Park is located to the south and Mount Saint Joseph's Cemetery is located to the west, both in the *Agricultural District*.

The applicant, Walpert Association for the Retarded, opened the Walpert Center in 1961. The Walpert Center is an educational facility that offers a work activities program, recreational opportunities and learning opportunities to the developmentally disabled. Proposed is a five-unit group home complex to complement the Walpert Center. The facility would accommodate up to 45 developmentally disabled adults who would attend programs at the Walpert Center and other facilities in the community. Emerald Glen, a non-profit organization comprised of family

members of current Walpert Center attendees and interested community volunteers, would operate the group homes. Walpert Association of the Retarded intends to create a separate 2.5 acre parcel for the group homes by reconfiguring the lot lines around the Walpert Center. Ownership of the parcel containing the group home facility would be transferred to Emerald Glen.

The City of Hayward Zoning Ordinance defines a large group home as one, which provides shelter for seven or more clients. The Zoning Ordinance limits large group homes to one home per parcel. A complex of five large group homes is proposed under the oversight of a single organization. Because more than one group home is proposed, the applicant is seeking to change the zoning to Planning Development as a means for authorizing the project in a manner that provides for attractive space utilization, that preserves mature trees and is harmonious with the natural characteristics of the land.

### Project Description

The applicant proposes to construct a group home complex of five residential buildings. Each home is designed to accommodate up to nine adult residents. The homes are all one-story, of wood construction without garages. Recognizing that the group home population will continue to age, the applicant chose the single-story design to accommodate wheelchair bound residents or those who develop impairments. A 2,700-square-foot outdoor common area would be located in front of Units 1 and 2, which would be the closest to the creek, toward the rear of the site. A condition of approval requires the provision of common area amenities such as picnic tables and benches. Houses would be accessible by a 25-foot-paved roadway leading from Walpert Center. Fourteen uncovered parking spaces would be provided to accommodate visitors while staff can be shuttled or walk from the Walpert Center parking lot.

Each home would be approximately 3,410 square feet in area, with 6 bedrooms, 3 of which would offer 2 twin beds since some of the residents prefer to have roommates. The indoor common areas include a full kitchen, a dining area and a great room. Adjacent to the covered front porch would be a patio dining area accessible from the indoor dining area. The residents would share three bathrooms, which are adjacent to a laundry room. An office is staffed on a 24-hour basis.

All five homes would have stucco exteriors in five compatible earthtone color pallets. The bungalow design includes composition shingled gable and hip roofs accented with purlins at the roof ends. All windows and doors would be trimmed with wide wood frames. The entry to the building is highlighted by a large sitting porch covered by a gable roof and supported by large wood, tapered porch posts. A secondary side staff and emergency exit would lead to a walkway accessing the side yard, screened trash area, and front walkway. Although each building cannot be sited to fully take advantage of the view of Ward Creek, the windows in the great room have been increased in size to take advantage of views. To break up the expanse of blank stucco walls, a condition of approval requires the addition of an accent material at the base of each exterior wall to be capped by trim at the level of the windowsills.

A 500-square-foot maintenance building would be built on the stem of the parcel that is to be created. This building is located adjacent to the Walpert Center parking lot, approximately 195



feet from the closest proposed building. A condition of approval requires this building to match the materials and detailing found on the residential structures.

Due to financial constraints, the project is proposed to be built in 4 phases over a 7-year period. Initially, Units 1 and 2 would be built adjacent to the common open space. Foundation pads for the remaining three houses and all of the landscaping would be installed as part of the first phase. A condition of approval requires the project to be completed by 2011.

The site has a natural grade that is under 15 percent and slopes downhill to the rear of the property towards Memorial Park and Ward Creek. Trees and shrubs would be planted on the top of the creek bank to create a garden setting. All proposed landscaping would be planted in Phase 1. Fifteen coast live oaks are located at the northern and eastern perimeters of this site. As proposed, one tree would be removed. If this project is approved, staff recommends that the site plan be modified so that Unit 4 could be relocated closer to Walpert Center to retain all of the oak trees. The applicant indicates that relocation of the building would create a change in grading, hampering accessibility. At the time of approval of the Precise Plan, the Planning Director may authorize the replacement of the one oak tree with another of equal value should it be necessary to retain the building as shown in the preliminary plan.

A parking/vehicle trip generation analysis was completed by the City of Hayward, Transportation/Development Section of the Public Works Department. It concluded that the project could be adequately accommodated by the proposed 14 uncovered parking spaces (Attachment C). The driveway serving the project is designed to accommodate the natural grades of the lot, the required fire truck access and meet City driveway slope requirements. Two fire truck turn-arounds would be provided, one adjacent to the outdoor common recreation area and a second in the southerly parking lot. Staff reviewed the possibility of reducing the length of the driveway and amount of paving by moving the southerly parking area closer to the buildings. However, this would create a greater elevation differential between the units, requiring more grading with tall retaining walls and construction of steps between the units rather than ramps. Steps would be impediments to the residents of the units and would preclude wheelchair accessibility. Very few vehicle trips are anticipated as a result of the project since the residents do not drive and would continue to be shuttled to off-site activities. The remaining vehicle trips would be limited to visitors and staff. Therefore, from a traffic standpoint, it is not anticipated to impact the surrounding neighborhood.

The complex meets the intent of the Housing Element of the General Plan by providing the special housing needs of older developmentally disabled individuals, and staff is supportive of the use of the property for the proposed group home complex. A policy of the Mission-Foothills Neighborhood plan calls for respect of environmental limitations which requires new development to be set back from Ward Creek to maintain the wooded areas and conform to the Alameda County Watercourse Ordinance. The project would be set back 20 feet from the top of the riverbank to assure compliance and to keep the developed portion of the property away from hazards.

The project would not affect the views of adjacent residences since all structures are one-story on flat pads and located downhill from existing development. The apartments to the east are three stories in height. Since the project site is located to the rear of the Walpert Center on a gentle downslope, the group home facility would not be visible from Walpert Street.

Infrastructure improvements are required on the vacant parcels as well as the area around the Walpert Center. Improvements to the Walpert Center parcel include parking lot repair, landscaping, and replacement of streetlights.

### Environmental Review

A Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA). The analysis of the project was based on a similar proposal with five pre-manufactured homes with garages. This originally conceived project did not meet the City of Hayward Design Guidelines. The analysis includes the fact that there is a potential slide area that is located adjacent to Ward Creek at the rear of the site. Structures will not be built within this area and a soils report is required to be submitted to the City Engineer for the approval prior to the issuance of a grading permit. The Negative Declaration concluded that this project which would provide housing in a group home setting would not result in any impact to the environment. An addendum describing the current proposal has been prepared because the site plan, number of potential residents, and the type of home construction has been modified. In addition, the project also changed from a conditional use permit and site plan review to a zone change to accommodate the proposed number of group homes on two parcels.

### Public Notice

On October 8, 2003, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the *Mission-Foothill Neighborhood Plan* Task Force members. Staff received several phone calls from adjacent residents in support of the project. In addition, staff received a petition in support of the project signed by 25 of the 32 residents of the townhomes north of the Walpert Center. The owner of the Walnut Hills Apartments, Christian Zaballos, supports the project.

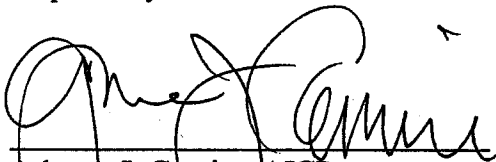
On February 20, 2004, a Notice of Preparation of a Negative Declaration and Public Hearing for the Planning Commission meeting was mailed. On May 3, 2004, a Notice of Public Hearing was mailed. However, the applicant requested that the item be removed from the agenda to allow the project to be redesigned.

On June 18, 2004, a Notice of Public Hearing was mailed. Staff received no comment in opposition to the project.

## CONCLUSION

The use is compatible with the *General Plan* and the *Mission-Foothill Neighborhood Plan*. Staff believes that this is a worthwhile project that would provide desirable housing for special needs residents. As conditioned, the bungalow design of the homes exhibit elements of good design, which would create an attractive living environment and provides a residential setting that would remain desirable. Therefore, staff recommends that the Planning Commission recommend approval of the zone change application to the City Council.

Prepared by:



Arlynne J. Camire, AICP  
Associate Planner



Dyana Anderly, AICP  
Planning Manager

### Attachments:

- A - Area Map and Aerial Photograph
- B - Petition and Letter in support
- C - Parking/Trip Generation Analysis
- D - Negative Declaration, Addendum, and Environmental Checklist
- E - Findings for Approval
- F - Conditions of Approval  
Project Plans



**DUE TO THE LENGTH OR COLOR  
OF THE REFERENCED EXHIBIT,  
IT HAS BEEN ATTACHED AS A  
SEPARATE LINK.**

RECEIVED

SEP 29 2003

February 1, 2002

PLANNING DIVISION

From: Eugenia Wells  
The Pines  
Hayward, CA 94541

Project #  
PL-2003-0569 UP  
PL-2003-0570 SPR

To: City of Hayward Planning Dept.  
777 B Street  
Hayward, CA 94541

Re: Emerald Glen of Walpert Center for the Developmentally Disabled

Dear City of Hayward Planning Dept.,

I am a homeowner at the Pines in Hayward, and wish to give my support to the Emerald Glen residential facility being planned for the rear of the Walpert Center property at 1101 Walpert Street. The facility will house 18 to 24 senior developmentally disabled adults.

I have found the Walpert Center to be good neighbors in their effort to meet the needs of the handicapped attending their programs.

For further information you may call Eugenia Wells at 510-881-5384.

Enc.

Margaret Bennett  
24028 Marchand

Licardo Badilla  
24028 Marchand Ct.

Ursula Van Hulse  
24009 JANSSEN  
HAYWARD

Jack Krall  
24007 JANSSEN CT.  
HAYWARD CA 94541

Henry Green  
1088 Helen Way

Jim Craft  
1116 Holmes Way

1128 Holmes Wy

Len McDonald  
1100 Holmes Way

A. Orr  
1140 Walpert St.

Bachel Harrison  
1138 Walpert St

D-8

ATTACHMENT B

From: Eugenia Wells

To: City of Hayward Planning Dept.

Re: Emerald Glenn of Walpert Center

Page 2

Diana Wong  
24027 Marchand Court

HERBERT ISINZA  
1122 HOLMES WAY

David R. Pate  
1120 Holmes Way

Margaret O'Roke  
24036 Marchand Ct.

Karen Bill  
24015 Janssen Ct.

Robert R. Thuman  
1106 Holmes Way

Carolyn Lee  
1136 Walpert

Lekan Woodbridge  
1130 Holmes Way

Joan Borbauer  
1126 Holmes Way

Bindy Lailing  
24034 Marchand Ct

Jannie Smith  
24013 Janssen Ct.

Honora Lowe  
24030 Marchand Ct

Shyllis Walker  
1112 Holmes Way

Paul E. Lind  
1108 Holmes Way

Stan Francis  
1104 Holmes Way

Joan Leany Thomas  
1110 Holmes Way  
Hayward, Ca - 94541

# Walnut Hills



September 10, 2001

Planning Commission  
City Of Hayward  
777 B Street  
Hayward, CA 94541

RE: Walpert Center for the Developmentally Disabled

Dear Hayward Planning Commission,

The Walpert Center for the Developmentally Disabled is currently in the planning stages for adding a residential facility to their existing Walpert Street complex. The proposed addition would house 24 senior developmentally disabled people in a gated community. As the owners of Walnut Hills Apartments, we have been next-door neighbors to the Walpert Center for over 35 years. During this time, the center has been an excellent neighbor and a great service to the community and the people it serves.

In closing, we are in support of the proposed addition to the center. I can be reached via phone at 510-581-5993 if you have any questions.

Sincerely,

Christian Zaballos  
Walnut Hills Apartments

cc. Jean Rolf, Serra/Walpert

**RECEIVED**

SEP 29 2003

PLANNING DIVISION

D-10

**Project #**  
**PL-2003-0569 UP**  
**PL-2003-0570 SPR**



## Walpert Center - Emerald Glen

5	Homes	
9	Residents per home	
45	Total residents	$= 5 \times 9$
3	Shifts	
1	Staff per shift	
15	Total staff	$= 3 \times 5$
14	Parking spaces	

**Vehicle Trip Generation:** A staff of 15 employees will generate approximately 8 p.m. peak hour vehicle trips. /1/ (See attached.) This suggests 4 (or 5) trips entering and 4 (or 3) trips exiting.

**Parking estimate:**

Assume the following parking pattern:

- 1) Before the end of the p.m. shift there are 5 staff vehicles and 2 visitor vehicles parked, a total of 7 vehicles or 50% of capacity.
- 2) Before the end of the shift the 5 replacement staff enter the lot and park their vehicles. The new accumulated total parking count is:  
 $5 + 2 + 5 = 12$
- 3) During the same peak hour 3 of the 5 existing staff members leave the parking lot, one of the 2 visitor vehicles exit the parking lot, and 2 new visitors enter the parking lot. The new accumulated total parking count is  
 $5 + 2 + 5 - 3 - 1 + 2 = 10$
- 4) Trip generation in this conservative parking pattern estimate is  
 $5 + 2 = 7$  Enter; and  
 $3 - 1 = 4$  Exit

This is higher than the Trip Generation estimate, but may be more reasonable since this is a smaller than average assisted living center.

**CONCLUSION:** At all times in the parking accumulation pattern described above, the number of vehicles never exceeded the lot capacity of 14 vehicles. **Therefore, the 14-space parking lot is adequate.**

---

Note: It is assumed that no Walpert Center vehicles (e.g., vans) are parked in this lot.  
It is also assumed that any administrative employees do not park in the lot.

/1/ ITE, Trip Generation, 7th Edition, Land Use Code No. 254, Assisted Living

File: rogerm/excel/misc projects/walpert center



**CITY OF HAYWARD  
NEGATIVE DECLARATION  
ADDENDUM**

Notice is hereby given that the City of Hayward finds that this project could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

***I. PROJECT DESCRIPTION:***

**Zone Change Application No. PL-2004-0246 - Gary R. Hansen (Applicant) / Walpert Association for the Retarded (Owner) - Request to Change the Zoning from Medium Density Residential to Planned Development District to Construct and Operate a Group Home Complex (Emerald Glen) in Association with the Walpert Center for the Developmentally Disabled.** The Site is Located at 1101 Walpert Street in the Medium Density Residential (RM) District.

To be constructed on a 2.5-acre vacant parcel located to the rear of Walpert Center on the south side of Walpert Street, west of Second Street. Five 3,410 square feet single-story, 6-bedroom, wood frame houses. The facility would accommodate up to 45 older developmentally disabled adults some of who would attend programs at the Walpert Center, and others would attend programs in the community. Fourteen on-site parking spaces would be provided. A 2,700-square-foot common area for recreation purposes would give a view of Ward Creek.

***II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

The proposed project could not have a significant effect on the environment.

***FINDINGS SUPPORTING DECLARATION:***

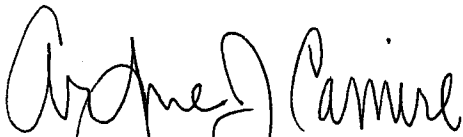
1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for a 5-unit group home complex of pre-manufactured homes. The projects differ in the type of construction and the provision of uncovered parking instead of a mix of covered and uncovered parking.

The Initial Study has determined that the proposed project could not result in significant effects on the environment.

2. The project will not adversely affect any scenic resources. All of the structures are one-story.
3. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The

3. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The amount of traffic that will be generated by the project is not significant since the residents do not drive and shuttles currently serve the site to bring Walpert Center attendees to off-site programs.
4. The project will not result in significant impacts to biological resources such as wildlife and wetlands since this is an urban setting within a mixed residential neighborhood.
5. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains because the site is within a developed residential neighborhood.
6. The project site is not located within a "State of California Earthquake Fault Zone." Nor a FEMA 100-year Flood Zone. Construction related to this project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking. The site is within a known area that has the potential for landslides. A soils analysis is required to be approved prior to the issuance of building and grading permits.
7. The project is consistent with the General Plan designation of Medium Density Residential and the Zoning Ordinance Development Standards for the Medium Density Residential District. In addition, all Hillside and Urban/Wildlands Design Guidelines will be met.
11. The project will introduce a group home facility consisting of 5 single-family homes in an area where growth is desirable. Recreational facilities are available on-site and at the adjacent Walpert Center.
12. The project will not result in a significant impact to public services. School fees will be paid prior to the issuance of a building permit, as will Park In-Lieu fees.
13. The project is within the City of Hayward Sanitary Sewer District has the capacity to accommodate the project.

I. **PERSON WHO PREPARED INITIAL STUDY:**



Arlynne J. Camire, AICP Associate Planner

Dated: June 17, 2004

II. **COPY OF INITIAL STUDY (ENVIRONMENTAL CHECKLIST and INITIAL NEGATIVE DECLARATION) IS ATTACHED**

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4206 or e-mail [arlynne.camire@hayward-ca.gov](mailto:arlynne.camire@hayward-ca.gov).



## **CITY OF HAYWARD NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that this project could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

### ***I. PROJECT DESCRIPTION:***

**Use Permit Application No. PL-2003-0569 and Site Plan Review Application No. PL-2003-570 — Emerald Glen Group Home**

Conditional Use Permit and Site Plan Review to allow the development of a residential complex as a group care facility to be used by the adults who attend programs at the Walpert Center for the Developmentally Disabled which is located at the front of the property. The housing will consist of 5 one-story, 6 bedrooms, pre-manufactured buildings with two-car garages. Walkways will be wheelchair accessible. A 24-foot roadway will access the site and all parking areas. A maintenance building will also be built. The residence would access the adjacent Walpert Center by a walkway.

### ***II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

The proposed project could not have a significant effect on the environment.

#### ***FINDINGS SUPPORTING DECLARATION:***

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources. All of the structures are one-story.
3. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The amount of traffic that will be generated by the project is not significant since the residents do not drive and shuttles currently serve the site to bring Walpert Center attendees to off-site programs.
4. The project will not result in significant impacts to biological resources such as wildlife and wetlands since this is an urban setting within a mixed residential neighborhood.
5. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique

topography or disturb human remains because the site is within a developed residential neighborhood.

6. The project site is not located within a "State of California Earthquake Fault Zone." Nor a FEMA 100-year Flood Zone. Construction related to this project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking. The site is within a known area that has the potential for landslides. A soils analysis is required to be approved prior to the issuance of building and grading permits.
7. The project is consistent with the General Plan designation of Medium Density Residential and the Zoning Ordinance Development Standards for the Medium Density Residential District. In addition, all Hillside and Urban/Wildlands Design Guidelines will be met.
11. The project will introduce a group home facility consisting of 5 single-family homes in an area where growth is desirable. Recreational facilities are available on-site and at the adjacent Walpert Center.
12. The project will not result in a significant impact to public services. School fees will be paid prior to the issuance of a building permit, as will Park In-Lieu fees.
13. The project is within the City of Hayward Sanitary Sewer District has the capacity to accommodate the project.

I. ***PERSON WHO PREPARED INITIAL STUDY:***



Arlynne J. Camire, AICP Associate Planner

Dated: February 20, 2004

II. ***COPY OF INITIAL STUDY (ENVIRONMENTAL CHECKLIST) IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4206 or e-mail [arlynne.camire@hayward-ca.gov](mailto:arlynne.camire@hayward-ca.gov).

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**DISTRIBUTION/POSTING**

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



## Environmental Checklist Form

1. Project title: Use Permit Application No. PL-2003-0569 and Site Plan Review Application No. PL-2003-570 — Emerald Glen Group Home
2. Lead agency name and address:  
City of Hayward, 777 B Street, Hayward, CA 94541
3. Contact person:  
Arlynne J. Camire, AICP, Associate Planner (510)583-4206, arlynnecamire@hayward-ca.gov
4. Project location: Walpert Association for the Retarded, 1101 Walpert Street
5. Project sponsor's name and address: Walpert Association for the Retarded, 1101 Walpert Street, Hayward, CA 94541, 510-881-8537, Gary Hansen, Representative
6. General plan designation: Medium Density Residential
7. Zoning: Medium Density Residential District (RM)
8. Description of project: Conditional Use Permit and Site Plan Review to allow the development of a residential complex as a group care facility to be used by the adults who attend programs at the Walpert Center for the Developmentally Disabled which is located at the front of the property. The housing will be built on a currently vacant 2.5 acre site and will consist of 5 one-story, 6 bedrooms, pre-manufactured buildings with two-car garages. Walkways will be wheelchair accessible. A 24-foot roadway will access the site and all parking areas. A maintenance building will also be built. The residence would access the adjacent Walpert Center by a walkway.
9. Surrounding land uses and setting:  
The site is within the northeastern portion of the City within a hillside neighborhood. To the north and east are mixed residential low, medium and high-density residential projects, to the south is Memorial Park and Ward creek, and to the west Mount Saint Joseph's Cemetery.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) Alameda County Flood Control and Water Conservation District

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources     | <input type="checkbox"/> Air Quality          |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources        | <input type="checkbox"/> Geology / Soils      |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning  |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population / Housing |

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION:** On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Arlynn J. Camire  
Printed Name

City of Hayward  
Agency

## ENVIRONMENTAL ISSUES:

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
--	---	---	--------------

### I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*The project is to construct 5 one-story, 6 bedrooms, pre-manufactured buildings with two-car garages. Roadway to the project and parking areas which will be paved. A maintenance building will also be built. This project will be built behind the Walpert Center on parcels surrounded by residential development, a park and a cemetery. It is located downhill from single-family homes. No vistas will be effected.*

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*See I.a).*

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*See I.a).*

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*Additional light will be created by the addition of 5 houses. However, the project will not be a significant source of substantial light or glare which would adversely affect views in the area since the lights will be lights common to light walkways and porches surrounding single-family homes.*

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:



	Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The project site is not within a farmland area.</i>				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The project is not located in an agricultural district or an area used for agricultural purposes. The adjacent Mount Saint Joseph Cemetery and Memorial Park are located in the Agricultural District. However, these sites will not be modified by this project.</i>				
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>See II b.</i>				

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Data provided by the Bay Area Air Quality Management District indicate that the ozone level in Hayward for 2002 has not exceeded either California or federal standards. The project is located to the rear of the Walpert Center where The residents do not drive and would spend the day time at the adjacent Walpert Center which is located on Walpert Street, in front of the project. Shuttle buses and family member bring residents to appointments. Therefore, this project will, generate fewer vehicle trips than that generated by 5 single-family homes. Therefore, the project will not significantly negatively affect air quality.</i>				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>See III a).</i>				

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? *Any impacts to air quality will be temporary lasting during the construction phase. The site will require grading. However, the applicant is required to implement means of reducing air pollution associated with grading and construction. See III a).*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations?

*See III a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people? *See III a. Construction equipment will be used and exhaust will be created.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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#### IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? *This project is not anticipated to impact species that are classified as sensitive or have special status. The project is an urban infill project that is surrounded by residential development, an urban park and a cemetery.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

*See IV a).*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*See IV a).*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*See IV a).*

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project will be required to comply with the City's Tree Preservation Ordinance in terms of providing replacement trees of like value.*

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is in an urban area and is an in-fill project. It will not conflict with any habitat conservation plan.*

#### V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*No change in the amount of area devoted to impermeable surfaces is proposed, and no known historical resources exist on-site.*

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Archaeological resources are not a factor at this site. If some should become discovered, appropriate action will occur. If some should become discovered, appropriate action will occur.*

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*No known paleontological resources exist on-site.*

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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d) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The Mount Saint Joseph's Cemetery is located adjacent to the site. If human remains are found on the project site during grading the Police will be contacted and appropriate measures will be taken.*

## VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  
*The project is outside the Earthquake Hazard Zone and outside an area of a 100-year flood (Zone C). The structures will meet Uniform Building Code standards for manufactured homes. Building permits will be required.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is outside the Earthquake Hazard Zone (See VI a.)*

ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is not located within a State of California Earthquake Fault Zone and will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking. (See VI a).*

iii) Seismic-related ground failure, including liquefaction? *Liquefaction and differential compaction is not considered to be a significant issue on this site.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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iv) Landslides? *The project is not located within an area subject to landslides. However, it is adjacent to an unstable hill area as indicated on the State of California, Seismic Hazards Zones, Hayward Quadrangle, July 2, 2003. The project is not permitted to be built within the potential slide area that is located adjacent to Ward Creek. A soils report is required to be submitted to for the approval by the City Engineer prior to the issuance of a grading permit.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in substantial soil erosion or the loss of topsoil?

*The project is within an urban setting that is developed with other residential buildings; areas will be paved and covered with driveways, walkways, parking stalls and foundations. No substantial soil erosion or loss of topsoil is anticipated.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? *Prior to issuance of any building permit, the City Engineering and Building Official will review a structural analysis and soils analysis. All applicable Uniform Building Codes are required to be followed. .*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

*Prior to issuance of any building permit, engineering and building staff will review structural analysis to ensure that the proposed changes to the building design are adequate for to meet Hillside Design Guidelines.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

*The project will be connected to City of Hayward sanitary sewer system.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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# VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

☐
☐
☐
☒

*There will be no use of hazardous materials other than typical household hazardous materials. Standard methods of disposal will be implemented. Therefore, there is no anticipation that the project will create a significant hazard to the public or the environment through use of hazardous materials.*

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? *See VII a).*

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☐
☐
☒

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? *See VII a).*

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☐
☐
☒

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? *See VII a.*

☐
☐
☐
☒

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? *The site is not located within an airport land use plan.*

☐
☐
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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? *See VIII e.*

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the neighborhood where the project is to be implemented. Emergency response times will be maintained.*

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? *The project is located in the hillside area that must meet the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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# VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? *The group home residential project will meet all water quality standards.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Water to the site will be served by the City of Hayward, which will monitor to ensure that water quality standards will not be violated and groundwater supplies will not be depleted. Furthermore, recharge of the groundwater table will not be affected.*

	Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? <i>The project is located adjacent to Ward Creek. However, the creek is in the adjacent park and the homes will be set back at least 20 feet from the top of bank. On-site drainage is such that the project will not result in substantial erosion or siltation on-or off-site as the current drainage pattern will not be altered.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? <i>The project is within an urban area and has been developed as such. Drainage patterns on the site will not be altered.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>The amount of run-off from the project is not anticipated to increase and will not exceed the capacity of the storm water drainage system. See VIII d).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? <i>See VIII d.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>According to FEMA Flood Insurance Rate Maps, the 100-year flood hazard area does not include this site. (Panel 065033 0003E, February 9, 2000)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

See VIII g.

j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is not in a location that would allow these phenomena to affect the site.*

#### IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*This is a residential project adjacent to residential projects and a cemetery.*

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The General Plan matrix indicates that the residential project is consistent with the General Plan.*

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is located in a residential neighborhood and so no conflict is indicated.*

#### X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project will not result in a significant impact to mineral resource. The project is an in-fill project within an urban setting.*

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See X a.

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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# XI. NOISE - Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*An increase in noise levels is expected to occur during the construction phase of the project. The Municipal Code restricts the hours that construction may occur in order to reduce impacts on adjacent properties. Since the project involves conversion of an existing building to residential purposes, there will be no major noise source such as pile driving. Once established, exposure of persons to or generation of any new noise or noise levels is not expected to occur in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code.*

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*See XI a.*

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*See XI a.*

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*See XI a.*

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is not within a flight path for an airport. Therefore, the noise level is not expected to expose people residing therein to excessive airplane noise levels.*

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*See XI e.*

Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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## XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is within the anticipated density for the site.*

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project involves the addition of a group home facility to serve the adults who attend the Walpert Center for the Developmentally Disabled.*

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*See IX b.*

## XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? *The project would not result in the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Response times will not be altered. There will not be an increase in governmental costs to provide services to this site that is not covered in the property tax that would be generated by the improvements to the building. The property Project will include additional fire protection amenities, including fire sprinklers and adequate site access.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
Police protection? <i>The project would not result in the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Response times will not be altered. There will not be an increase in governmental costs to provide services to this site that is not covered in the property tax that would be generated by construction of this project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools? <i>This project, designed primarily for adults who attend Walpert Center for the Developmentally Disabled. The project will not generate students that will be require to be served by the school district.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks? <i>The project will be served by the Hayward Area Recreation and Park District. A park dedication fee is required to be paid prior to the issuance of a building permit which is intended to add to or to obtain additional park services.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? <i>No other public facilities will be significantly impacted.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ☐ ☐ ☒

*The Hayward Area Recreation and Park District are currently serving the entire neighborhood. Park Dedication In-Lieu fees will be generated by this project that will be used toward improvements to existing parks in the area or acquisition of additional parklands.*

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The residents will be using the recreational facilities that are at the Walpert Center in addition to the proposed Bar-b-que area and landscaped group open space area to rear of the site. These areas will not have an adverse impact on the environment.*

#### XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The group home will generate fewer trips than a multi-family project of an equal size. The residents do not drive and the trips will be generated by staff and visitors.*

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*No.*

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? *This single-story project will not affect air traffic patterns.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? *This is essentially a residential project in a residential neighborhood. It is located behind a learning center to that will be used by the group home residents. The existing access will not change.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potenti ally Signific ant Impact	Potentially Significant Unless Mitigation Incorporat ion	Less Than Signific ant Impact	No Impact
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e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The Hayward Fire Department has reviewed the project and finds the project in accordance with Hayward Fire Department requirements and standards. More precise adherence to the current Fire Codes will be addressed during the building permit review process.*

f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Adequate employee and visitor parking will be provided on-site and at the adjacent Walpert Center.*

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project does not conflict with adopted policies supporting alternative transportation.*

#### XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Wastewater treatment requirements are under the purview of the City of Hayward, which has the capacity to serve the project.*

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*See XVI.a)*

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The existing storm drain system has the capacity to serve the project.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Water to serve the project will be provided by the City of Hayward, which has a sufficient water supply for this purpose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>See XVI.b)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>The project will participate in the Waste Management of Alameda County recycling program. Service will remain the same for this site as the entire neighborhood.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<i>Potenti ally Signific ant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporat ion</i>	<i>Less Than Signific ant Impact</i>	<i>No Impact</i>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**FINDINGS FOR APPROVAL**  
**Planned Development Application No. PL-2004-0246**  
**Gary R. Hensen (Applicant)**  
**Walpert Association for the Retarded (Owner)**  
**1101 Walpert Street**

1. A Negative Declaration and addendum were prepared in accordance with the California Environmental Quality Act (CEQA) guidelines, which determined that the project could not have a significant effect on the environment.
2. The group home facility is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that the complex would meet the special housing needs of older developmentally disabled individuals as specified in the Housing Element of the General Plan. In addition, it is consistent with the General Plan policy of infill development that encourages development that is designed to provide direct pedestrian connections between housing and supportive activities. Furthermore, a policy of the Mission-Foothills Neighborhood plan calls for new development to be set back from Ward Creek to maintain the wooded areas and conform to the Alameda County Watercourse Ordinance. The project would be set back 20 feet from the top of the riverbank to assure compliance and to keep the developed portion of the property away from hazards.
3. As conditioned, the streets and utilities, are adequate to serve the development. The conditions of approval require infrastructure upgrades to the public right of way and desirable for the public convenience or welfare in that residents will be located within walking distance from programs they attend at the Walpert Center for the Developmentally Disabled.
4. The group home complex would create a residential environment of sustained desirability and stability in that the residents would participate at work programs and recreational activities at the adjacent Walpert Center. In addition, on site recreational amenities would be provided in the common area. The group home facility will not impair the character and integrity of the adjacent residential and agricultural zoning districts in that the use will generate very few vehicle trips per day.
5. The four development phases would provide a the entire common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule. All landscaping, house foundations, the common area, infrastructure and roads would be completed as part of Phase 1.
6. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards in that garages would not be provided however, 14 uncovered parking spaces and 19

shared parking spaces would be provided, which exceeds that required parking for a development of this size and type.

**CONDITIONS OF APPROVAL**  
**Planned Development Application No. PL-2004-0246**  
**Gary R. Hensen (Applicant)**  
**Walpert Association for the Retarded( Owner)**  
**1101 Walpert Street**

1. Planned Development Application No. PL-2004-0246 to allow the construction and operation of a group home facility is subject to these conditions of approval and the plans, labeled Exhibit "A." Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director
2. This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to City Council approval. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted in sufficient detail for approval, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the ultimate configuration of the driveways and other public improvements.
4. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
6. A building permit application shall be submitted for the fifth house no later than July 2011. If a building permit is issued for construction of improvements authorized by the planned development approval, the planned development approval shall be void two years after issuance of the building permit for Units 1 and 2, or three years after approval of the planned development has been substantially completed or substantial sums have been expended in reliance upon the planned development approval.

7. A lot line adjustment application shall be submitted prior to the issuance of a building permit and is required to be finalized prior to the issuance of the Certificate of Occupancy of the houses in Phase 1.
8. Prior to application for a Building Permit the following changes shall be made to the plans:
  - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - b. All fencing shall be indicated on the building permit application plan. Fencing shall be not visually interrupt natural open areas and views. Where fencing is needed to delineate private property, open or unobtrusive decorative fencing shall be installed.
  - c. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees within 50 feet of construction shall be fenced at the drip line throughout the construction period.
  - d. An accent material shall be added to exterior base of the walls of each house. The material shall extend from the bottom of the exterior wall up to the bottom of each windowsill and capped with a trim band to satisfaction of the Planning Director.
  - e. The maintenance building shall include a base material and trim band to match the design of the houses.
  - f. Trash enclosures shall consist of wood fencing. Elevations shall be included in revised plans for the review and approval of the Planning Director.
  - g. Decorative electroliers shall be provided in the parking areas. The design shall be approved by the Planning Director prior to the issuance of a building permit.
  - h. Decorative light fixtures shall be provided on the buildings to assure illumination of entries and adjacent walkways.
9. Visible outdoor storage is not permitted at the group home complex or at the Walpert Center. All outdoor storage shall be screened or restricted to trash enclosures. Existing visible outdoor storage shall be removed.

## **Landscape**

10. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*. All existing trees are to be shown on the revised plans. Landscape shall extend down the parcel stem to Walpert Street. The development, including the landscape plans, shall meet the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines. The landscape plans should reflect California natives with fire, deer, and drought resistance. Except for the areas directly adjacent to the housing, the landscape plan shall incorporate native plants that shall blend with the natural plant material.
11. Groundcover is required to extend under all of the taller shrub areas and in the gaps between the shorter shrubs. Groundcover may be one-gallon in size or from flats. Spacing shall be based on 100% coverage within two years. This will vary based on the

plant material proposed. Use herbaceous rather than woody groundcovers in small areas and adjacent to pedestrian areas. Groundcover is to be approved and shall be to the satisfaction of the City Landscape Architect.

12. The Asiatic variety of Star Jasmine is required to be planted as ground cover adjacent to the driveway and the common area. Cotoneaster and Pyracanthus are not allowed to be used as landscape material. Herbaceous types of groundcovers are required to be planted throughout the site to the satisfaction of the City Landscape Architect.
13. Decomposed Granite, proposed for paths on the east side of the private driveway, shall not be used on paths that are steeper than 2 percent.
14. Landscape planters shall have a minimum 5-foot interior clear width.
15. Within the area of the homes, landscaping shall be planted at each end of each row of parking and in the interior landscape islands.
16. Five street trees are required in the area of the homes. These trees are required to be 24-inch box size. All shrubs are required to be 5-gallon size. Vines are required on walls, fences, trash enclosures, retaining walls, and building walls that have no windows.
17. The existing Walpert Center parking lot and proposed group home parking shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. Each parking row shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5 feet wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30"-inch high hedge within two years. This measurement shall be from the top of curb. The 19 shared parking spaces resulting from the lot line adjustment and within the parcel stem shall meet the current landscape guidelines, i.e. trees on the endcaps and landscape islands with trees after every sixth space. Revised landscape plans shall reflect these requirements.
18. One 24-inch box street tree is required for every 20-40 lineal feet of frontage on Walpert Street. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Including, a the replacement of a street tree on the frontage along Walpert Street
19. Trees shall be planted according to the City Standard Detail SD-122.
20. A landscape buffer including shrubs and one 15-gallon evergreen tree for every 20 lineal feet of property line shall be planted between this property and adjacent properties.

21. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.
22. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
23. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
24. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect. The Arborist's report, dated August 25, 2003, shall be revised to state that all oaks that can be preserved shall be preserved to the satisfaction of the City Landscape Architect. Young oak trees, which cannot remain in place, shall be relocated if possible.
25. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.
26. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
27. Landscape plans shall specify site amenities such as, benches, tables, fencing, and barbecues, for the common open space areas.
28. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.

#### **Fire Prevention**

29. All structures are required to have automatic fire sprinkler systems installed per NFPA 13-D (Modified) Standards. Fire sprinkler protection shall be provided within all living

spaces, garages, attics, crawl spaces and within any other area deemed necessary by the Hayward Fire Department.

30. A manual and automatic fire alarm systems shall be required for each structure which shall include smoke detectors that are hard-wired electrically with battery back up and interconnected to the fire alarm control panel. Manual pull station(s) and audible/visual evacuation devices shall also be installed within each structure as required per NFPA 72 Standards and ADA requirements.
31. The proposed driveway shall remain at 25 feet in width (no less than 20 feet) and shall be a dedicated fire lane with no vehicle parking on either side of the street. "No Parking Fire Lane" signs shall be installed and spaced at 150 feet intervals. Vehicle parking is only allowed where the parking stalls have been identified on the approved site plan-"Exhibit A."
32. Two fire truck turnaround areas shall meet design and construction criteria per Hayward Fire Department Standards.
33. Road grades shall not be in excess of 15 percent unless a review and approval has been granted by the Fire Marshal.
34. Access shall be available to allow 4-wheel drive patrol vehicle to access the Ward Creek area behind the proposed development. An EVA or similar approval is required. Locations of such EVAs shall be reviewed and approved by the Hayward Fire Department.
35. Fire hydrants are required. Modified streamer fire hydrants shall be installed for the proposed development to the satisfaction of the Hayward Fire Department. Fire flows shall be a minimum of 1,500 GPM at 20 PSI.
36. Building construction shall meet the City of Hayward's Hillside Design Guidelines for Urban/Wildland Interface, which shall include Class A roofing materials, exterior non-combustible siding materials, double-paned windows, boxed-in eaves, etc (as required by the Hillside Design Guidelines for Building Construction and Fire Protection).
37. If commercial kitchens are being proposed, additional fire protection systems will be required for hood and duct protection within the exhaust system.
38. Central station supervision may be required for all fire protection systems.
39. Exiting shall meet the CBC, Chapter 10. Where non-ambulatory clients reside, direct exiting shall be available from the room or shall be in compliance with the State Building Code (for R2 occupancies.)

40. Exit plans shall be posted within each care home. The exiting plan and the area(s) the plans are to be posted are to be approved by the Fire Department prior to the issuance of a building permit.
41. Portable fire extinguishers shall be installed in locations of each care home as approved by the Hayward Fire Department.
42. Prior to the issuance of the Certificate of Occupancy, State Form 850 shall be completed and submitted to the Hayward Fire Department for each care home.
43. An annual permit shall be obtained for each proposed care home.
44. Building address numbers shall be issued prior to building permit submittal. Address numbers shall be self-illuminating, having a minimum 4-inch number heights

### **Construction Activities**

45. The developer shall provide the Planning Director with the name and telephone number of the developer or the developer's representative who may be contacted during the construction phase regarding neighborhood complaints or concerns.

### **Public Works – Utilities**

46. Show on plans, the gallon per minute water demand so that the proper size meter can be determined.
47. Prior to Granting Occupancy, water services shall be installed for each house by city crews at applicant's expense. The application for water services shall be presented to the city inspector.
48. Dead end public water mains will not be allowed. They create future water quality problems. Public water mains must be connected to other public water mains via easements. This proposed development will need two points of connection to the existing water mains.
49. Water meters and services to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code. Show proposed locations on plans. Driveway cuts shall be staked before service laterals are installed.
50. Ductile Iron Pipe is required in all easements. Control valves are required in street prior to easements.
51. Development to be served by Remote Radio Read water meters.
52. Show following notations on plans:
  - a. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.



- b. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- c. Water and Sewer service available subject to standard conditions and fees in effect at time of application.

### **Public Works - Engineering**

- 53. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building permits. The general contractor and all subcontractors and suppliers of material and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.
- 54. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify BMP's appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff facilities. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion & Sediment Control Handbook.
- 55. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and ensure that measures are implemented. Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations or a project stop work order.
- 56. Construction equipment shall be properly muffled, and unnecessary idling shall be prohibited.
- 57. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential units.
- 58. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay," or equivalent, using methods approved by the City.
- 59. Prior to the commencement of any clearing or grading of the site, the developer shall submit evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control Board.
- 60. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available at Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

61. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
62. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after construction, shall be submitted for review and approval of the City Engineer.
63. Construct storm water inlet in the entrance of the proposed project. The project storm drain system shall be extended to the entrance of the proposed project.
64. Construct a swale to intercept the surface runoff from the north property line.
65. The Developer's Engineer shall provide hydraulic calculation for review and approval by Alameda County Flood Control and Water Conservation District.
66. Show on pipe sizes, lengths, slopes, inverts, and grate elevations of the storm drainage system on revised plans. In addition, show the locations of the existing sanitary sewer laterals that would serve all buildings.
67. The proposed sanitary sewer main shall be private and maintained by the property owner. Install sanitary sewer manhole 20 feet upstream of the existing sanitary sewer manhole.
68. Dedicate 8 feet of additional right-of-way along the property frontage on Walpert Street to obtain the ultimate right-of-way.
69. Walpert Street shall be improved with curb, gutter, and four feet wide sidewalk and tie-in pavement. The back of sidewalk shall be at the right-of-way line.
70. The minimum separation between the proposed water main and the sanitary sewer main shall be 10 feet.
71. The water meters shall be located behind the curb and gutter on Walpert Street as per City Standard Detail SD-218.
72. The existing joint poles shall be relocated to accommodate the 36 feet curb-to-curb street improvements. The existing streetlights mounted on the joint poles shall be abandoned and replaced with two new standard streetlights that shall be installed along the property frontage on Walpert Street as per City Standard Detail SD-120.
73. The private driveway shall have curb and gutter to the satisfaction of the City Engineer.
74. Storm drain shall be private and shall be maintained by the property owner.

75. Prior to the issuance of a Building Permit, a preliminary soils report must be submitted for review and approval by the City Engineer.
76. Submit revised site and grading and drainage plans prepared by a licensed civil engineer. The plans shall include both sides of Walpert Street, all sidewalks, curbs and gutters, driveways in the vicinity of the project and note the distances to Second Street and Walpert Street curve to the south in feet.
77. The applicant shall be responsible for graffiti-free maintenance of the group home facility and the site of Walpert Center, and shall remove any graffiti within seven days of occurrence.
78. Outdoor storage is not permitted at the group home facility or Walpert Center. All trash receptacles and dumpsters are required to be located in a trash enclosure or screened.
79. The pavement shall be repaired or replaced as needed and the parking area shall be restriped to the satisfaction of the City Engineer. All parking stalls shall meet minimum City Standards. A revised parking plan shall be submitted prior to the application for building permit.

#### **Solid Waste and Recycling**

80. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated October 9, 2003. Requirements are to be met to the satisfaction of the City Solid Waste Manager.
81. All construction and demolition debris waste shall be recycled. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the completion of the project.

#### **Building Division**

82. Request in writing, addressing for each building. The request shall be to the attention of Larry Hulse, Supervising Building Inspector, City of Hayward Building Inspections.
83. Separate permit submittals will be required for each residence, retaining wall, sign(s), and maintenance building.
84. Submit all documents, plans, and details for each structure to confirm minimum code requirements.
85. An encroachment permit is required to be issued prior to the commencement of work in the public right-of-way.

## **Revocation**

86. Violation of these conditions or requirements may result in revocation of the Planned Development.

## MINUTES



## REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD Council Chambers Thursday, July 8, 2004, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

### MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chairperson Sacks, followed by the Pledge of Allegiance.

### ROLL CALL

Present: COMMISSIONERS Bogue, Fraas, Halliday, McKillop, Peixoto, Thnay  
CHAIRPERSON Sacks  
Absent: COMMISSIONER Zermeño

Staff Members Present: Anderly, Conneely, Camire, Lens, Pearson, Reyes

General Public Present: Approximately 35

### PUBLIC COMMENT

Chairperson Sacks thanked Commissioner Zermeño, previous chair, and welcomed new commissioner Marvin Peixoto.

### PUBLIC HEARING

1. Zone Change No. PL-2004-0246 – Gary R. Hansen (Applicant) / Walpert Association For The Retarded (Owner) – Request to Change the Zoning From Medium-Density Residential to Planned Development District to Construct and Operate a Group Home Complex – The Project is Located at 1101 Walpert Street

Staff report submitted by Associate Planner Camire, dated July 8, 2004, was filed.

Planning Commissioner Bogue stated for the record that the Fair Political Practices Commission requires him to disclose that as a Council candidate he had received contributions from an agent associated with the applicant and has returned all contributions in excess of \$250 as required by law and therefore could participate in the deliberations of this project.

Associate Planner Camire reported that the applicant, Gary Hansen, was not present, but would be represented by Darrell Leamon. She presented the project, Emerald Glen Group Home, a five-unit group home on a 2.5 acre vacant lot behind Walpert Center that will serve and eventually accommodate up to 45 adults. Walpert Center is an educational center that also provides work programs. She noted that the units will be built in a park-like, slightly sloped setting and will be operated separately from the Walpert Center and owned and operated by Amerald Glen, a non-profit. This property, in an area consisting of mainly multiple-family residential, is medium density and will be developed at a density lower to what is allowed. The proposed stucco homes are 3,400 square feet with six bedrooms and will be staffed on a 24-hour

basis. There will be an arbor over patio and the windows are designed to take advantage of the view of Ward Creek. She displayed the elevations that comply with the design guidelines, as conditioned. She reported that due to financial constraints, the applicant will be building in phases; two homes first. Staff is asking for amenities in the common area such as benches, picnic tables and barbeque facilities. There are 15 live oaks on the property and the developer has asked to remove one. Staff is recommending it remain with the relocation of Unit 4. There is also a lot line adjustment required. Staff is recommending that the Planning Commission recommend to the City Council approval of the negative declaration, the addendum to the negative declaration, zone change to a planned development district, which would allow the construction and operation of the group home complex and recommend approval of the preliminary development plan, subject to the findings and conditions of approval.

Planning Commissioner Peixoto expressed his concern for the safety of school-age children as they walk to school during the construction as the streets are narrow. During construction there could be times when youth would have to walk on the street. Associate Planner Camire stated that the conditions of approval do not include sidewalk construction at this time, but sidewalks will be constructed in the future.

Planning Commissioner Peixoto was also concerned about vehicle exhaust toxics into Ward Creek after the pavement is completed and a drainage system is installed. Staff responded that State regulations require that the water run through the landscaped area prior to draining into the Creek. Development Review Services Engineer Gaber described the technicalities of this process.

Planning Commissioner McKillop discussed the possibility of retaining the one oak tree that will be removed as part of the project until absolutely necessary as the project completion date is in 2011. Associate Planner Camire stated that the conditions of approval could be amended to accommodate that.

Chairperson Sacks opened the public hearing at 7:51 p.m.

Darrell Leamon spoke on behalf of the applicant. He thanked staff for its cooperation.

Jean Rolf, Castro Valley, introduced two future residents of this project. She described the history of The Walpert Association for the Retarded, as a group of parents that started the organization over 52 years ago. She commended the many Hayward residents and service clubs that helped throughout the years to assist Walpert Center.

Larry Mathers described his involvement in the project. He gave a brief background on Serra Center, a previous development in Fremont. He told how Serra Center was sold leaving residents without homes. The residents sued and were monetarily awarded. As a result of this award, a number of families have contributed towards development of the group home project. There is substantial legal and financial support to see this project through.

Jill Williams, Principal, KTG Group, Inc. stated that she has only recently been involved with the project. Her group designed this community with living spaces that are of a simple design, which are inviting and usable. In light of several project challenges, including the grading required, there is an outside common area. The units have visual contact with each other and

## MINUTES



## REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD Council Chambers Thursday, July 8, 2004, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

have easy accessibility. Ms. Williams noted that the living units are oriented toward Ward Creek to provide environmental enhancements.

Planning Commissioner Thnay asked her to explain the balance of convenience, recreation and safety. Ms. Williams responded that her group is working with City staff to insure safety and protection of the residents such as working with the Fire Department to alarm the exit doors and perhaps installing a fence at the top of the slope. In addition, the units will be built closer in grade to each other so residents can have access to better pedestrian transportation. She assured the Commission that there are still considerations being resolved to address all concerns.

Don Lapidus, Project Manager of Terra Pacific, thanked City staff for assisting in this project. He noted that revised Public Works Department conditions were presented just prior to this meeting. He referred to the staff report on Page 4 regarding the parking lot repair and the required landscaping. He detailed a lot line adjustment that excluded the Walpert Center from the project. He felt that it was an error in procedure to submit this development prior to the lot line adjustment. He stated that Walpert Center has agreed to repair, re-stripe and repave with slurry seal the parking lot, but the landscaping is enormously expensive and not affordable. He requested that several conditions that apply to the Walpert Center property at this time be eliminated, in particular Condition #17. He noted that Walpert Center has donated the property site to the Emerald Glen and does not have the financial means at this time to improve the parking lot.

Planning Commissioner McKillop asked if all the pads would be poured at the same time and if those not built immediately on would be affected over time.

It was reported by Mr. Leamon that all of the grading and pouring would take place at the same time and there would be no effect. He also urged approval of the project.

Chairperson Sacks closed the public hearing at 8:12 p.m.

Planning Commissioner Thnay asked staff about Condition of Approval #17. He expressed concern that there are expensive upfront costs. He suggested that after the first two pads are built, the slurry seal could be done on the parking lot, and then the condition that requires the parking and loading areas to be screened from the street could be completed. After that the code requirements could be completed, including the landscape improvements. This phasing would help ease the financial strain.

Principal Planner Patenaude explained that functionally the two properties work together. The access to the Emerald Glen community homes is through the Walpert Center property and the Walpert Center entrance is not developed according to today's City standards. It will be necessary to provide findings that offset the elimination of this condition referencing functional amenities to the property. Emerald Glen development is a planned development that includes Walpert Center.

Planning Commissioner Fraas made a motion, seconded by Planning Commissioner McKillop, to approve the staff recommendations and that the Planning Commission recommend these to the City Council as follows: approve the Negative Declaration and the addendum to the Negative Declaration, approve a zone change to Planned Development (PD) District, and Preliminary Development Plan, subject to the findings and conditions of approval.

Planning Commissioner McKillop expressed her concerns for Condition #17. She acknowledged the expense of the improvements, but indicated that she drives past this property daily and that frontage along Walpert Center is substandard and definitely needs improvement. She commented on the graffiti issue. She was willing to accept the tree removal and would like to see the pads graded.

Planning Commissioner Thnay agreed that this is a worthwhile and great project. He acknowledged the needs of a non-profit and the burdensomeness to comply. He asked that the maker of the motion modify her motion to phase the requirements of Conditions of Approval #17 so that Walpert Center can accommodate the expense. There was no second to the friendly amendment.

Planning Commissioner Fraas stated that Condition #17 already provides a two year completion date. She felt that it was worthwhile for Walpert Center to improve itself as the project is developed. She discussed CDBG funding and felt that the Center could qualify for this type of special funding.

There was discussion on what would be included in the phasing. The slurry sealing could be done initially, the screening of the parking lot and loading area could be next. There was also discussion on the two year timeline. It was noted that this was for the growth success of the required landscaping and shrubbery that would include the tree wells.

Planning Commissioner Bogue expressed concern that by phasing with the slurry seal first, the parking lot would need to be cut at a later date for water drainage and tree wells.

At the request of Planning Commissioner McKillop, Planning Commission Chairperson Sacks re-opened the public hearing 8:25 p.m., in order to hear from the applicant.

Mr. Leamon discussed the funding and noted the merge of Walpert Center with Emerald Glen reiterating that the land is a gift to Emerald Glen from Walpert Center. He emphasized financial need and any phasing would be appreciated. He was willing to work with staff. Phasing will help at this time as the Center looks for other funding resources.

Planning Commissioner McKillop would agree to the phasing, but felt strongly that the frontage of the Walpert Center improvements be part of the first phase.

Planning Commission Chairperson Sacks closed the public hearing 8:28 p.m.

Planning Commissioner McKillop offered a friendly amendment to the motion made by Planning Commissioner Fraas that she seconded. The amendment would be that Condition #17 be phased in with the particular improvements to the frontage along the Walpert Street to be addressed first. She added that parking lot improvements be phased in over the course of construction of the units as to be determined by staff.



## MINUTES



## REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD Council Chambers Thursday, July 8, 2004, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

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Planning Commissioner Fraas accepted the friendly amendment.

The motion **carried** by the following vote with the friendly amendment that Condition #17 be phased in as directed to staff:

AYES:	COMMISSIONERS Fraas, McKillop, Bogue, Thnay, Peixoto CHAIRPERSON Sacks
NOES:	COMMISSIONERS None
ABSENT:	COMMISSIONERS Zermeno
ABSTAIN:	COMMISSIONERS None

2. Use Permit No. PL-2004-0272 – Matthew Hamlet (Applicant) / Eden Properties (Owner) – Request to Operate a Tattoo and Piercing Parlor – The Project is Located at 22622 Mission Boulevard

Staff report submitted by Associate Planner Camire, dated July 8, 2004, was filed.

Associate Planner Camire presented the report depicting the second floor office where the Russell Ally Tattoo will be located above the Eden Jewelry and Loan business. The shop will have a reception gallery area with portfolios by the artists. She reported that there will be two piercing rooms and four tattoo rooms. She noted that the owner has 10 years of experience in San Francisco and Oakland tattoo establishments. She noted that the Police Department has inserted conditions of approval including secure lockers or locked cabinets for customers to utilize during their services. She noted that this does conform to the Core Area Plan and recommended approval of the use permit. In addition, the tattoo artists have at least 10 years experience and the piercers each have at least 3 years experience.

Planning Commission Chairperson Sacks asked for clarification of Conditions #6 and 7. She was assured that no one under the age of 18 is permitted on the premises. She asked what this section of the California Penal Code entailed.

In response to Planning Commissioner Thnay's question, staff reported that there are currently three tattoo operations in the city.

Planning Commission Chairperson Sacks opened the public hearing at 8:38 p.m.

Matthew Hamlet, applicant, thanked staff for assisting him in the process and thanked the Planning Commission for reviewing his application. He stated that he worked through college as a tattoo artist and received a degree in architecture. He did not agree with any negative connotations that accompanies this type of business and hopes that his business could promote this type of art. He is trying to organize a tattoo convention as a fund raiser at Centennial Hall with proceeds that will be for children with cancer. He is also interested in forming art classes.

**LAPIDUS AND ASSOCIATES**

REAL ESTATE DEVELOPMENT PLANNING

991 SOLANA COURT, MOUNTAIN VIEW, CA 94040  
PHONE: 650-949-1529 FAX: 650-383-5007  
DONLAPIDUS@EARTHLINK.NET

July 20, 2004

**Mayor and City Council**  
**City of Hayward**  
777 B Street  
Hayward, CA 94541-9259

**Project: Emerald Glen (Walpert Association for the Retarded)**  
**Subject: Application No. PL-2004-0246, Request to Modify Conditions of Approval**

Dear Mayor and City Council Members

The subject application is to provide group housing for 30 developmentally disabled people. There would be 5 homes on approximately 2.5 acres. Each home would serve six clients/ residents and one staff member (staff would be present on a 24 hour, 7 day a week basis, but would not live on site). The subject application is scheduled for public hearing by your Council on July 27, 2004.

We are requesting your support for this outstanding facility, which can only be an asset to the Hayward community and request that you reevaluate and modify Conditions of Approval Nos. 9, 17, 75, 76 and 28 as shown below.

Condition Nos. 9, 17, 75 and 76 – The Planning Commission Staff Report was thorough and well written with the exception of paragraph 2 on page 4. The premise of this paragraph is that the Walpert Center and Emerald Glen are one project. Therefore, it states that new improvements and ongoing maintenance will be required on the existing Walpert Center facility. The Walpert Center was never intended to be a part of Emerald Glen. These projects are two separate facilities, owned and managed by two separate entities. The only common interests are they both help people who are developmentally disabled and the Walpert Center is graciously donating the land. Once the lot line adjustment is complete as required by Condition #7 and ownership is transferred, the Walpert Center will not have any ownership interest or control of Emerald Glen and vice-versa. It is unfair to ask Emerald Glen to be responsible for Walpert Center maintenance or pay for improvements on Walpert's land. Moreover, a small non-profit project with limited funding cannot afford these extensive offsite improvements. Any reference to the Walpert Center should be eliminated from this approval. However, since the Planning Commission was concerned about the view of the Walpert Center parking lot from Walpert Street and the parking area is the gateway to Emerald Glen, in the interest of

being a good neighbor, Emerald Glen has agreed to resurface and re-stripe the Walpert parking lot (Condition #77) and will agree to improve the landscape adjacent to Walpert Street, in front of the Walpert Center (see revised Condition #17 below). Therefore we hereby request that the City Council modify Condition Nos. 9, 17, 75 and 76 as follows:

9. Visible outdoor storage is not permitted at the group home complex ~~or at the Walpert Center.~~ All outdoor storage shall be screened or restricted to trash enclosures. ~~Existing visible outdoor storage shall be removed.~~
17. ~~The existing Walpert Center parking lot and proposed group home parking~~ shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. Each parking row shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5 feet wide measured inside the curbs. ~~Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30"-inch high hedge within two years. This measurement shall be from the top of curb. Emerald Glen will improve the landscaping adjacent to Walpert Street in front of the Walpert Center subject to approval of the Planning Director. Emerald Glen will enter into a deferred landscape improvement agreement for this landscaping. Construction of the deferred landscape improvements by Emerald Glen shall commence upon completion of final street improvements by the City. The 19 shared parking spaces resulting from the lot line adjustment and within the parcel stem shall meet the current landscape guidelines, i.e. trees on the endcaps and landscape islands with trees after every sixth space. Revised landscape plans shall reflect these requirements.~~
75. The applicant shall be responsible for graffiti-free maintenance of the group home facility ~~and the site of Walpert Center~~, and shall remove any graffiti within seven days of occurrence.
76. Outdoor storage is not permitted at the group home facility ~~or Walpert Center~~. All trash receptacles and dumpsters are required to be located in a trash enclosure or screened.

Condition No. 28 – This Condition requires the payment of "Park Dedication In-Lieu Fees" for the new dwelling units. However, Article 16 Property Developers - Obligations For Parks And Recreation of Chapter 10 The City of Hayward Planning, Zoning And Subdivisions Ordinance states:

#### SEC. 10-16.11 EXEMPTION FROM REQUIREMENTS.

The following development shall be exempt from the provisions of this article:

(a) Housing for the elderly or disabled, when the development is either owned by a public agency or leased to a public agency for a period of at least twenty (20) years, and when the development complies with the definition of housing for the elderly or disabled as defined by the U. S. Department of Housing and Urban Development;

(b) Rental housing owned by a private non-profit corporation with rents which on the average remain affordable, for a period of at least thirty (30) years, to households with incomes of no more than sixty (60) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such rental housing shall enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability.

Paragraph (a) – Although this project is not owned or leased by a public agency, its residents will be disabled and some will be elderly. Furthermore, their housing expenses are paid entirely by the State of California. Therefore, if Emerald Glen does not meet the “letter” of this paragraph, it certainly meets the spirit.

Paragraph (b) – Both the Emerald Glen project and future residents will meet the exemption requirements in this paragraph. Furthermore, Emerald Glen will enter into an agreement with the City to guarantee the term of affordability.

Therefore, we hereby request that the City Council eliminate Condition No. 28 because this project is clearly exempt from this requirement.

Emerald Glen is a unique, privately funded, non-profit project that is greatly needed in Hayward. It will continue in perpetuity to serve the housing and supportive needs of Hayward's developmentally disabled population. Emerald Glen has been designed to be attractive, compatible with the site and neighborhood and a sustainable asset to the community. We appreciate the support we have received from the neighborhood and the unanimous approval from the Planning Commission. We genuinely request that you approve this application with the proposed modifications. Thank you for your time and consideration.

Sincerely,



Don Lapidus  
Project Manager

Cc: Lawrence Mathers, Jean Rolf, Darrell Leamon, Laura Bone

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member \_\_\_\_\_

*nm*  
*7/8/04*

RESOLUTION APPROVING THE NEGATIVE  
DECLARATION, THE NEGATIVE DECLARATION  
ADDENDUM, ZONE CHANGE APPLICATION NO.  
PL 2004-0246 AND PRELIMINARY DEVELOPMENT PLAN

WHEREAS, Zone Change Application No. PL 2004-0246 concerns a request by Gary R. Hansen (Applicant) and Walpert Association For the Retarded (Owner) to change the zoning of the property located 1101 Walpert Street in the Medium Density Residential (RM) District, from Medium Density Residential to Planned Development District to construct and operate a group home complex; and

WHEREAS, a Negative Declaration and Addendum to the Negative Declaration have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2004, regarding the project in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the negative declaration, negative declaration addendum, zone change and preliminary development plan; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the initial study upon which the mitigated negative declaration is based, certifies that the negative declaration and addendum to the negative declaration have been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration and its addendum reflect the independent judgment of the City of Hayward; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

1. A Negative Declaration and addendum were prepared in accordance with the California Environmental Quality Act (CEQA) guidelines, which determined that the project could not have a significant effect on the environment.
2. The group home facility is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that the complex would meet the special housing needs of older developmentally disabled individuals as specified in the Housing Element of the General Plan. In

addition, it is consistent with the General Plan policy of infill development that encourages development that is designed to provide direct pedestrian connections between housing and supportive activities. Furthermore, a policy of the Mission-Foothills Neighborhood plan calls for new development to be set back from Ward Creek to maintain the wooded areas and conform to the Alameda County Watercourse Ordinance. The Project would be set back 20 feet from the top of the riverbank to assure compliance and to keep the developed portion of the property away from hazards.

3. As conditioned, the street and utilities are adequate to serve the development. The conditions of approval require infrastructure upgrades to the public right of way and desirable for the public convenience or welfare in that the residents will be located within walking distance from programs they attend at the Walpert Center for the Developmentally Disabled.
4. The group home complex would create a residential environment of sustained desirability and stability in that the residents would participate at work programs and recreational activities at the adjacent Walpert Center. In addition, on site recreational amenities would be provided in the common area. The group home facility will not impair the character and integrity of the adjacent residential and agricultural zoning districts in that the use will generate very few vehicle trips per day.
5. The four development phases would provide the entire common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule. Partial landscaping, the house foundations, the common area, infrastructure and roads would be completed as a part of Phase 1.
6. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities of amenities not otherwise required or exceeding other required development standards in that garages would be provided however, 14 uncovered parking spaces and 19 shared parking spaces would be provided, which exceeds that required parking for a development of this size and type.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, the negative declaration, addendum to the negative declaration, zone change and preliminary development plan to construct and operate a group home are hereby approved, subject the conditions of approval attached hereto as Exhibit and the adoption of the companion ordinance reclassifying the Property from a Medium Density Residential (RM) District to a Planned Development (PD) District.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# DRAFT

ORDINANCE NO. 04-

*mpc*  
*2/20/04*

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY CHANGING THE ZONING FROM MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT PURSUANT TO ZONE CHANGE APPLICATION NO. PL-2004-0246

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by changing the zoning from Medium Density Residential (RM) District to Planned Development (PD) District for the property located at 1101 Walpert Street.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 2004, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:



ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward